This brochure provides basic information about HIPAA and how it affects the County's business relationship with Business Associates.

What is HIPAA?

HIPAA is the Health Insurance Portability and Accountability Act. This law is intended to protect the privacy of an individual's health information. This information is called Protected Health Information, or PHI. PHI is information about the health of an individual, which identifies or can be used to identify, the individual.

HIPAA applies to certain health care providers, clearinghouses, and health insurance plans. These individuals or organizations are called covered entities. In many cases, HIPAA requires a covered entity to have a written commitment in a contract to make sure that the vendor will protect the PHI the same way that the covered entity will protect the PHI. The vendor in these contracts is called a Business Associate, and the contract extends HIPAA's privacy protections for PHI to our Business Associates.

What makes you a Business Associate?

The term Business Associate has a specific meaning under HIPAA. A person or an organization is the County's Business Associate because the person or organization provides the County with a service that requires the exchange of protected health information.

For example...

The County may contract with an accounting firm to bill insurance companies for medical services provided. A Business Associate agreement is required for the County to provide the accounting firm with the PHI necessary to bill for medical services.

It is possible to be a Business Associate and a covered entity at the same time. For instance, the University of California Irvine Medical Center (UCIMC) is a covered entity. UCIMC is also a Business Associate to the County as an HIV Infectious Disease and Specialty Medical Care case management provider.

HIPAA provides an exception to the Business Associate requirement if the Business Associate is a health care provider exchanging PHI with the County for treatment purposes. One part of our working relationship may qualify under the treatment exclusion while another part of our working relationship may not.

For example ...

When UCIMC provides HIV infectious disease and specialty medical care services to clients, it is treatment. When UCIMC provides case management services as treatment plan development and periodic assessment of treatment, these are business operations. Any PHI received by UCIMC in the treatment relationship is not subject to the business associate requirement. Only the PHI received based on the case management function would be covered by the Business Associate requirements.

What are the requirements of a Business Associate Agreement?

Business Associates must agree in writing to protect PHI disclosed by the County, and to use or disclose the PHI only as permitted or required by the contract. As a covered entity, the County cannot legally conduct business with an individual or organization unless this contract language is in place. If you have questions or would like a copy of the Rule, please visit the County of Orange website at www.ocgov.com/hipaa. You may also contact your County contract analyst or the HCA HIPAA Coordinator by phone at (714) 834-4082 or by email at hipaa@ochca.com. You may contact the County HIPAA Privacy Officer by phone at (714) 834-5172 or by email at privacyofficer@ocgov.com.



IIII PAAfor Business Associates



